

## **SUPPLEMENTAL RESPONSE TO OFFICE ACTION**

### **A. Status of the Claims**

Applicants note that claim 1 and those dependent therefrom were indicated by the Examiner to be in condition for allowance during teleconferences between the Examiner and Applicants' undersigned representative on February 18, 2009 and March 3, 2009.

Claims 13, 19, and 23 are cancelled without prejudice. Claims 20 and 22 are amended as discussed in the March 3, 2009 teleconference with the Examiner to include antecedent basis for the term "positive selectable marker." Support for these amendments of claims 20 and 22 is found in the Specification as filed, for instance at page 24, lines 13-15, and at page 29, line 28. Claims 20 and 22 are also amended as requested by the Examiner to recite steps relating to analyzing plants for vector backbone DNA, or for assaying for copy number of a transgene. Support for these amendments is found in the Specification as filed, for instance at page 35, lines 15-19, and at page 36, line 6, to page 37, line 8. Additionally, claim 25 has been amended as an independent claim with the limitations of claim 1. No new matter is added. As discussed in the teleconferences, rejoinder of claims 20 and 22 in view of M.P.E.P. § 821.04(b) is respectfully requested. Claims 1-4, 10, 11, 15, 20, 22, 25, and 26 are therefore submitted to be pending and reconsideration is respectfully requested.

### **B. Rejections Under 35 U.S.C. §103**

Applicants respectfully note that the Examiner withdrew previous rejections under 35 U.S.C. §103, of claims 1-4, 10, 11, 15, 25, and 26 during the teleconference of February 18, 2009.

**C. Conclusion**

In light of the foregoing, applicants submit that all claims are in condition for allowance, and an early indication to that effect is earnestly solicited. The examiner is invited to contact the undersigned at (214) 259-0932 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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